

**STATE OF WISCONSIN
DEPARTMENT OF COMMERCE**

In the Matter of the PECFA Appeal of

Mike Nimmer
OMNNI Associates, Inc.
One Systems Dr
Appleton WI 54914-1654

PECFA Claim # 54520-1822-01
Hearing 999-201

**DISMISSAL DECISION
APPEAL NOT FROM CLAIMANT**

The right to appeal decisions of the Petroleum Environmental Cleanup Fund Act (PECFA) program is contained in §ILHR 47.53, Wis. Adm. Code. As indicated in §47.53(l)(a), Wis. Adm. Code, the underlying basis for such appeals is § 10 1.02(6)(e), Stats. That statutory right to request a hearing extends only to persons who are "interested" in property. In the case of the PECFA program, consultants have a legal interest only with regard to decisions affecting their registration to participate in the program. Consultants do not have a legal interest in any decisions affecting the claim for reimbursement, including a decision denying reimbursement for costs. The claim requires proof of payment be submitted with the claim proving the claimant has paid all costs. As the party who paid those costs, the only person with a legal interest in the reimbursement is the claimant him or herself or a DILHR (now Department of Commerce) approved agent who has accepted financial responsibility for the clean up. The appeal in this case was not signed by the claimant or a DILHR approved agent. Accordingly, the request for hearing is denied, and the appeal is dismissed.

<p>This is a final decision of the Department of Commerce. You may request a rehearing pursuant to §227.49, Stats., within 20 days of the date of this decision, by sending your petition to Dennis Kozich, Chief Counsel, Department Commerce, P.O. Box 7970, Madison, Wisconsin 53707-7970. This decision may be appealed within 30 days of the date of this decision or the date of a decision on a request for rehearing, if any, pursuant to §227.53, Stats. The parties in interest are the Secretary, Department of Commerce, 201 West Washington Ave., 6th Floor, P O Box 7970, Madison, Wisconsin 53707-7970 and the appellant named in the appeal caption above.</p>
--

Dated and mailed: January 31,2000

James R. Sturm
Administrative Law Judge
Department of Commerce

Copies to:

Mike Nimmer
OMNNI Associates, Inc.
One Systems Dr
Appleton WI 54914-1654

Kelly Cochran, As
Office of the Secretary!
Department of Commerce
P O Box 7838
Madison WI 53707-7838